

**EXHIBIT 10**

**Robert Little Deposition Excerpts**

- Little Dep. 50–51, 212, 219–21, and 439–42, Jan. 18–19, 2011
- Little Dep. 140–41, Mar. 31, 2011

Robert C. Little

Page 1

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE:

Methyl Tertiary Butyl : Master File No. 1:00-1898  
Ether ("MTBE") : MDL 1358 (SAS)  
Products Liability :  
Litigation :

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This Document Relates to:

City of Fresno v. Chevron U.S.A.  
Inc., et al., et al.,  
Case no. 04 Civ. 04973 (SAS)

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JANUARY 18, 2011  
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Videotaped Deposition of ROBERT C. LITTLE,  
Volume I, City of Fresno's 30(b)(6) Designee re  
Overview, held in the Law Offices of Munger Tolles &  
Olson, 355 South Grand Avenue, Suite 3500, Los Angeles  
beginning at 9:13 a.m., before Sandra Bunch VanderPol,  
FAPR, RPR, RMR, CRR, CSR #3032

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## Robert C. Little

Page 50	Page 52
<p>1       MR. AXLINE: I have no objection --</p> <p>2       MR. GRENARDO: -- normal.</p> <p>3       MR. AXLINE: -- to you going through his</p> <p>4       background.</p> <p>5       MR. GRENARDO: And we will.</p> <p>6       MR. AXLINE: I just want to clarify.</p> <p>7       MR. GRENARDO: We will.</p> <p>8       MR. AXLINE: His background is not something</p> <p>9       that he's testifying as a PMQ for the city on, it's</p> <p>10      just his background.</p> <p>11      <b>BY MR. GRENARDO:</b></p> <p>12      Q. Okay. When you were going to these</p> <p>13      conferences in the '90s, you weren't going as a PMQ,</p> <p>14      were you?</p> <p>15      A. Please define PMQ.</p> <p>16      Q. Person most qualified.</p> <p>17      Mr. Little, I'm just trying to find out what</p> <p>18      conferences you went to and what, in general, was</p> <p>19      being said at these AWWA conferences in the '90s</p> <p>20      relating to MTBE?</p> <p>21      A. The emphasis, I would say, was</p> <p>22      probably on the -- he looming crisis that MTBE was</p> <p>23      going to be presenting for utilities; conversations</p> <p>24      about where it came from; how it's spreading; you</p> <p>25      know, how to -- how to look for it; you know, what</p>	<p>1       to testify on? And, just for the record, we</p> <p>2       requested this information as well pursuant to this</p> <p>3       notice and were never given an answer.</p> <p>4       A. Okay.</p> <p>5       Q. We are entitled to know who's going</p> <p>6       to be testifying on which topics in advance of the</p> <p>7       deposition so we know. Now at the deposition would</p> <p>8       be a good time to find out as well.</p> <p>9       MR. AXLINE: Do you want --</p> <p>10      MR. GRENARDO: Do you need to take a --</p> <p>11      MR. AXLINE: -- to ask me a question?</p> <p>12      THE WITNESS: Yes. I want to ask my</p> <p>13      attorney a question.</p> <p>14      MR. GRENARDO: Let's go off the record.</p> <p>15      THE VIDEOGRAPHER: We are off the record.</p> <p>16      The time is 10:12.</p> <p>17      (Recess taken.)</p> <p>18      THE VIDEOGRAPHER: We are on the record.</p> <p>19      The time is 10:37.</p> <p>20      <b>BY MR. GRENARDO:</b></p> <p>21      Q. We were talking about which topics</p> <p>22      you are going to testify on. And is it your</p> <p>23      understanding that you will be testifying today and</p> <p>24      tomorrow on all of the topics?</p> <p>25      A. Yes, it is.</p>
Page 51	Page 53
<p>1       treatment scenarios could be effective for it, things</p> <p>2       of that nature.</p> <p>3       Q. So in the '90s, the City of Fresno</p> <p>4       was alert to issues relating to MTBE in the</p> <p>5       environment; is that correct?</p> <p>6       MR. AXLINE: Objection. Mischaracterizes</p> <p>7       the witness's testimony. Again, he's not speaking on</p> <p>8       this topic as a PMQ for the city.</p> <p>9       MR. GRENARDO: I will rephrase that.</p> <p>10      Q. So in the 1990s, Mr. Little, you were</p> <p>11      alert to issues relating to MTBE in the -- in the</p> <p>12      environment; is that correct?</p> <p>13      A. Yes.</p> <p>14      Q. Other than the data tables, the</p> <p>15      graphs, and the reports that you mentioned, were</p> <p>16      there any other documents that you recall looking at</p> <p>17      in preparation for your deposition?</p> <p>18      A. No.</p> <p>19      Q. And if we can go to the notice. If</p> <p>20      you go to the third page under "Designated Issues,"</p> <p>21      and it goes up until page 5, 1 through 10.</p> <p>22      Have you been designated to testify on all</p> <p>23      ten of these issues?</p> <p>24      A. No.</p> <p>25      Q. Which issues have you been designated</p>	<p>1       Q. And what did you do to prepare to</p> <p>2       testify on topic No. 1?</p> <p>3       A. Not much. It's just my normal work</p> <p>4       exposure type of related stuff.</p> <p>5       Q. Based on your personal knowledge and</p> <p>6       your work at the City of Fresno?</p> <p>7       A. Yes.</p> <p>8       Q. And when you say "not much," is there</p> <p>9       anything that you did in particular or you didn't do</p> <p>10      anything?</p> <p>11      A. I didn't do anything in particular.</p> <p>12      Q. What did you do to prepare to testify</p> <p>13      on topic No. 2?</p> <p>14      A. Well, I believe we produced an org</p> <p>15      chart. Yeah, provided you an org chart.</p> <p>16      Q. And we will look at that in a second.</p> <p>17      Anything else besides that?</p> <p>18      A. No.</p> <p>19      Q. What did you do to prepare to testify</p> <p>20      on topic No. 3?</p> <p>21      A. I produced some data tables.</p> <p>22      Q. Which data tables?</p> <p>23      A. Data tables for MTBE, DBCP.</p> <p>24      Q. Do you recall when you produced these</p> <p>25      data tables?</p>

14 (Pages 50 to 53)

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## Robert C. Little

<p style="text-align: right;">Page 210</p> <p>1 Q. Did you produce documents relating to 2 this monitoring well in terms of its construction? 3 A. All those records are in the well 4 file, which was copied by the copy service. So I 5 have to assume they did. 6 Q. And where on the map is the 7 monitoring well that you're referring to, 318? 8 A. Well, pump station 318 is right here. 9 The monitoring well is at that site. 10 Q. MTBE hasn't been detected in pump 11 station 318, correct? 12 A. No, it has not been detected in the 13 well. 14 Q. And how close is the monitoring Well 15 318 to pump station 318? 16 A. 50 feet. 17 Where is the opening here? 18 Q. Is monitoring well 318 downgradient 19 of pump station 318? 20 A. You know, when you're that close to 21 the well, there is no upgradient or downgradient. 22 It's too close to determine that kind of information. 23 Q. Do you know if TBA has been detected 24 in any City of Fresno production wells? 25 A. There -- there have not been any</p>	<p style="text-align: right;">Page 212</p> <p>1 Q. And none of those detections have 2 been at or above the secondary MCL for MTBE, correct? 3 A. Correct. 4 Q. Are you aware of any city production 5 well having reduced -- strike that. 6 Are you aware of the city reducing any 7 pumping at any city production well because of MTBE? 8 A. No. 9 Q. Are you aware of the city reducing 10 any pumping at any city production well because of 11 TBA? 12 A. No. 13 I need to clarify another previous 14 statement. I had mentioned pump station 70 as a site 15 with MTBE. We have other constituents that we are 16 looking at and evaluating, and stuff like that, and I 17 think I got confused, pump station. 18 Apparently we do not have an MTBE result for 19 pump station 70. So I'm thinking of something else. 20 Q. That's okay. So the previous list 21 that you gave us regarding MTBE detections, pump 22 station 70 should not be on that list? 23 A. Correct. According to the records I 24 have in front of me, anyway. 25 Q. And have you counted, minus the 70</p>
<p style="text-align: right;">Page 211</p> <p>1 detections that I'm aware of. 2 Q. Do you know if TBA has been detected 3 in any of the city's monitoring wells? 4 A. Not that I'm aware of. 5 Q. And you say there are 28 production 6 wells in the City of Fresno where MTBE has been 7 detected; is that right? 8 A. Yes. 9 Q. And none of those detections have 10 been at or above the secondary MCL for MTBE, correct? 11 A. No. 12 Q. That's correct? 13 A. No. 14 Q. When have there been detections at or 15 above the secondary MCL for MTBE in the City of 16 Fresno's production wells? 17 A. Oh, I'm sorry. Sorry. 18 Not in a production well. In a monitoring 19 well, yes. Production well, no. 20 Q. I will ask that question again, for 21 the record, the series of questions. 22 You testified that there are 28 production 23 wells in the City of Fresno where MTBE has been 24 detected, correct? 25 A. Correct.</p>	<p style="text-align: right;">Page 213</p> <p>1 and adding in the 63, how many pump stations there 2 are? 3 A. 28. 4 Q. You mentioned earlier a number of 5 treatment systems, treatment procedures that the City 6 of Fresno is using for a number of different 7 constituents; do you remember that? 8 A. Yes. 9 Q. Which constituents are you aware of 10 in the City of Fresno that have been found in the 11 City of Fresno's water that have exceeded the MCL, 12 their respective MCLs? 13 A. DBCP -- 14 MR. MILLER: That's a memory test. And also 15 you're not being clear as to the time period to be 16 covered. 17 MR. GRENARDO: You can answer. 18 MR. MILLER: This is ever, as asked. 19 THE WITNESS: As best as I can recall -- 20 MR. GRENARDO: That's fine. 21 THE WITNESS: -- DBCP, EDB, TCE, PCE, 22 1,2-DCE, nitrates, manganese, 1,1-cis -- I can't 23 remember. There's a few odd balls out there that I 24 can't quite remember. 25 ///</p>

54 (Pages 210 to 213)

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## Robert C. Little

<p style="text-align: right;">Page 218</p> <p>1 Q. Those three?</p> <p>2 A. Yes. About possible treatment</p> <p>3 technologies, development of MCLs.</p> <p>4 Q. And then the other one that you</p> <p>5 mentioned was an advisory letter?</p> <p>6 A. I think I -- I think I recall seeing</p> <p>7 an advisory letter from DPH about MTBE.</p> <p>8 Q. Other than the advisory letter you</p> <p>9 believe you saw from DHS regarding MTBE, the</p> <p>10 conversation you had regarding the development of</p> <p>11 MCLs, and the conversation you had with -- regarding</p> <p>12 potential treatment technologies, are you aware of</p> <p>13 any other communications between the City of Fresno</p> <p>14 and the Department of Public Health regarding MTBE?</p> <p>15 A. That I have had? I don't recall.</p> <p>16 But anything that was produced or anything</p> <p>17 that was in paper format has already been provided to</p> <p>18 you. And I have files that go back to 1997 on that,</p> <p>19 and that was all gone through already.</p> <p>20 Q. So other than whatever has been</p> <p>21 produced, this advisory letter regarding MTBE, you</p> <p>22 believe, was sent, and was sent by DHS, and the two</p> <p>23 conversations you've talked about the development of</p> <p>24 MCLs and potential treatment technologies, you're not</p> <p>25 aware of any other communications between the City of</p>	<p style="text-align: right;">Page 220</p> <p>1 A. Oh, yeah.</p> <p>2 Q. Do you believe it posed a threat to</p> <p>3 the City of Fresno's drinking water in 1990?</p> <p>4 MR. MILLER: You're asking for expert</p> <p>5 opinion at this point. And it's not covered by the</p> <p>6 deposition notice, and the witness is not qualified.</p> <p>7 But if you want to answer, and you believe</p> <p>8 you have a basis for doing so, go ahead.</p> <p>9 MR. PARKER: Mr. Miller, that was blatant</p> <p>10 coaching. If you want to just state an objection</p> <p>11 that you believe it's beyond the notice, that's fine.</p> <p>12 MR. MILLER: This is not the time for expert</p> <p>13 testimony.</p> <p>14 MR. PARKER: We have a witness in the chair,</p> <p>15 and he's asked a question. If you want to say it's</p> <p>16 not binding on the city because it's outside the</p> <p>17 notice, fine. State your objection.</p> <p>18 MR. MILLER: I will say that too.</p> <p>19 MR. PARKER: Don't coach the witness --</p> <p>20 MR. MILLER: I didn't.</p> <p>21 MR. PARKER: -- in answering the way you</p> <p>22 want to or going back to try to change a prior answer</p> <p>23 he already gave.</p> <p>24 MR. GRENARDO: Mr. Little, I will ask the</p> <p>25 question again.</p>
<p style="text-align: right;">Page 219</p> <p>1 Fresno and the Department of Public Health, correct?</p> <p>2 A. Not that I recall right now.</p> <p>3 Q. Let's start with the advisory letter</p> <p>4 regarding MTBE. Do you recall when it may have come</p> <p>5 in?</p> <p>6 A. It would have been a long time ago.</p> <p>7 Q. Do you remember the contents? Maybe</p> <p>8 that will refresh your recollection.</p> <p>9 A. I do not. I do not. I know that</p> <p>10 there was quite a bit of conversation with MTBE and</p> <p>11 the impact that it was having for water systems and</p> <p>12 potential impact that it was having on water systems.</p> <p>13 There may have been something in there about</p> <p>14 the need to conduct some initial monitoring. I</p> <p>15 believe MTBE was part of the California state UCMR</p> <p>16 that was run in conjunction with the federal UCMR I</p> <p>17 program, looking for MTBE, and that was back in 2001,</p> <p>18 2002.</p> <p>19 That's about all I recall.</p> <p>20 Q. So you think this letter came</p> <p>21 sometime in early 2000?</p> <p>22 A. Or in the '90s.</p> <p>23 Q. In the '90s.</p> <p>24 Did you believe in the 1990s that MTBE posed</p> <p>25 a threat to the environment?</p>	<p style="text-align: right;">Page 221</p> <p>1 Q. Did you believe in the 1990s that</p> <p>2 MTBE posed a threat to the City of Fresno's drinking</p> <p>3 water?</p> <p>4 MR. MILLER: Same objections.</p> <p>5 THE WITNESS: I had a pretty good guess that</p> <p>6 it was. There were a lot of gas stations that were</p> <p>7 being taken out of operations. MTBE was a major</p> <p>8 point in the news and the impact that it was having</p> <p>9 in the environment. Put one and one together, and</p> <p>10 you get two.</p> <p>11 BY MR. GRENARDO:</p> <p>12 Q. And how early in the 1990s -- 1990s</p> <p>13 were you aware of this threat of MTBE to the City of</p> <p>14 Fresno's drinking water?</p> <p>15 MR. MILLER: Vague and ambiguous. Same</p> <p>16 objections.</p> <p>17 THE WITNESS: I can't recall when exactly.</p> <p>18 BY MR. GRENARDO:</p> <p>19 Q. Do you believe it was in the</p> <p>20 mid-'90s? 1998?</p> <p>21 MR. MILLER: Calls for speculation as asked,</p> <p>22 particularly in view of the prior answer. And the</p> <p>23 same objections I made earlier apply.</p> <p>24 THE REPORTER: Did you answer?</p> <p>25 THE WITNESS: I did not. I don't have an</p>

56 (Pages 218 to 221)

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1

REPORTER'S CERTIFICATE

2

I, SANDRA BUNCH VANDER POL, Certified

3

Shorthand No. 3032 for the State of California do  
hereby certify:

5

That prior to being examined, the witness  
named in the foregoing deposition was duly sworn to  
testify to the truth, the whole truth, and nothing  
but the truth.

9

That said deposition was taken down by me  
stenographically at the time and place therein named,  
and thereafter reduced by me into typewritten form,  
and that the same is a true, correct and complete  
transcript of said proceedings.

14

Before completion of the deposition, review of  
the transcript was requested. Any changes made by  
the deponent (and if provided to the reporter) during  
the period allowed are appended hereto.

18

I further certify that I am not interested in  
the outcome of the litigation.

20

Witness my hand this 23rd day of January,

21

2011.

*Sandra Bunch Vander Pol*

23

SANDRA BUNCH VANDER POL

24

Certified Shorthand Reporter

25

Certificate No. 3032

Robert C. Little

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## Robert C. Little

<p style="text-align: right;">Page 436</p> <p>1 California Title 22 manual and, to some extent, as 2 the EPA provides.</p> <p>3 Q. So is it the city's policy to follow 4 the regulations promulgated by the DHS or the DPH and 5 EPA?</p> <p>6 A. Yes. And the local DPH office.</p> <p>7 Q. And you've used the initials DHS and 8 DPH. Are you talking about the same agency?</p> <p>9 A. They are the same agency.</p> <p>10 Q. It's just gone by different names 11 from time to time?</p> <p>12 A. They have changed their name a couple 13 years ago to the Department of Health Services -- I'm 14 sorry, to Department of Public Health from Department 15 of Health Services.</p> <p>16 Q. Okay. And I sometimes use either set 17 of initials. It sounds like you do too. But we both 18 know what we're talking about, right?</p> <p>19 A. Correct.</p> <p>20 Q. And they are the ones who promulgate 21 health standards for water quality?</p> <p>22 A. The EPA promulgates the health 23 standards. California has the option of changing 24 them. They can't make them any less restrictive than 25 what EPA states, but they can make them more</p>	<p style="text-align: right;">Page 438</p> <p>1 those that are promulgated by the DPH? 2 MR. MILLER: Vague and ambiguous as to 3 "regulations."</p> <p>4 THE WITNESS: Do we have self-imposed 5 limitations?</p> <p>6 BY MR. ANDERSON:</p> <p>7 Q. That's -- that's a good amendment to 8 my question.</p> <p>9 A. With regards to bacterial testing of 10 the water, yes. I can't think of anything in the 11 other constituents that we have, no.</p> <p>12 Q. Specifically how about MTBE?</p> <p>13 A. We do not have an internal policy for 14 that.</p> <p>15 Q. How about TBA?</p> <p>16 A. We do not have an internal policy for 17 that.</p> <p>18 Q. So for those two potential 19 contaminants of your water, is it the City of 20 Fresno's practice and policy to follow the DPH 21 regulations?</p> <p>22 A. At this time, yes.</p> <p>23 Q. Has there been a different policy at 24 sometime you're aware of?</p> <p>25 A. No. But there may be one in the</p>
<p style="text-align: right;">Page 437</p> <p>1 restrictive.</p> <p>2 Q. So you understand that EPA propounds 3 some health regulations, and DHS or DPH has the 4 ability to propound health regulations that are at 5 least as stringent as EPA?</p> <p>6 A. Yes.</p> <p>7 Q. So in all cases where both the EPA 8 and the Department of Public Health speak, you would 9 follow the DPH regulations, right?</p> <p>10 A. Yes. And DPH also has their own 11 stuff that EPA does not promulgate.</p> <p>12 Q. Isn't the City of Fresno's policy, 13 with respect to water it serves to its customers, 14 that the water will be compliant with DPH and EPA 15 regulations?</p> <p>16 A. I'm sorry. Say that again.</p> <p>17 MR. ANDERSON: Read it back, please.</p> <p>18 (Record read as follows: QUESTION: Isn't 19 the City of Fresno's policy, with respect to water it 20 serves to its customers, that the water will be 21 compliant with DPH and EPA regulations?)</p> <p>22 THE WITNESS: Yes.</p> <p>23 BY MR. ANDERSON:</p> <p>24 Q. Does the City of Fresno have any 25 regulations that it follows that are stricter than</p>	<p style="text-align: right;">Page 439</p> <p>1 future.</p> <p>2 Q. Okay. Is there something that the 3 city is contemplating right now about changing its 4 approach with respect to the service of MTBE or TBA 5 in its water?</p> <p>6 A. Not that I'm aware of.</p> <p>7 Q. In your position -- and I'm not going 8 to -- I don't know if your title changed over the 9 years, but have you always been involved with water 10 quality issues since 1997?</p> <p>11 A. Yes. Well, October of 1997.</p> <p>12 Q. Okay. And have you always acted 13 promptly when you thought there was some threat to 14 the quality of water in the City of Fresno?</p> <p>15 A. With -- as far as dealing with 16 contaminants with MCLs that are -- are results that 17 are in violation of MCLs, yes.</p> <p>18 Q. Well, let's -- I don't want to be 19 quite that restrictive.</p> <p>20 What I mean is any time when you think there 21 is a threat to the quality of water in the City of 22 Fresno, that you think is meaningful, do you respond 23 quickly?</p> <p>24 MR. MILLER: Calls for an expert opinion.</p> <p>25 Vague and ambiguous.</p>

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## Robert C. Little

<p style="text-align: right;">Page 440</p> <p>1       THE WITNESS: With respect to MTBE, with 2 respect to personal care products and prescription 3 medicines, with respect to MTBE, with respect to 4 1,2,3-TCP, those are all contaminants that are on 5 the -- are emerging contaminants.</p> <p>6       Yes, I am vigilant about trying to keep up 7 with those things. And, you know, I advise my 8 superiors as to what I learn. In many cases they are 9 already more knowledgeable about some of those 10 situations than I am.</p> <p>11 BY MR. ANDERSON:</p> <p>12      Q. And you were aware -- I think you 13 said earlier that you've been aware for quite some 14 time that there has been MTBE leaked into the 15 environment at certain gas stations in the City of 16 Fresno, right?</p> <p>17      A. Yes.</p> <p>18      Q. And have you been aware of the fact 19 that MTBE had escaped into the environment since the 20 late 1990s?</p> <p>21      A. I think I was aware MTBE was leaking 22 into the environment before that.</p> <p>23      Q. How early can you recall being aware 24 MTBE had leaked into the environment in the City of 25 Fresno?</p>	<p style="text-align: right;">Page 442</p> <p>1       to try to grant the petroleum industry safe harbor 2 from lawsuits concerning MTBE. I am very aware of 3 the uproar that was being generated by the utilities 4 that were going to have to face the expense and 5 burden of taking care of that problem.</p> <p>6       Q. Would it be fair to say that in the 7 early 1990s, when you first learned that MTBE was 8 going to be a problem for the City of Fresno, that 9 you embarked on a process of educating yourself about 10 it?</p> <p>11      A. Yes.</p> <p>12      Q. And the more you learned, the more 13 you became concerned?</p> <p>14      A. Yes.</p> <p>15      Q. Okay. And would you be -- would it 16 be fair to say that by 1996 -- well, let's say by 17 October of 1997, when you assume -- was that your 18 current position?</p> <p>19      A. Yes.</p> <p>20      Q. -- that you were extremely concerned 21 about the threat that MTBE posed to the City of 22 Fresno's drinking water wells?</p> <p>23      MR. MILLER: Objection. Vague and ambiguous 24 on "extremely." 25      Go ahead.</p>
<p style="text-align: right;">Page 441</p> <p>1       A. I think I became aware of MTBE in the 2 early 1990s. I was aware it was a component of 3 gasoline. I was aware there were a number of gas 4 stations that were already starting to be taken out 5 of service due to leaking underground storage tanks. 6 And if it's leaking underground storage tanks that 7 are contributing gasoline to the environment with 8 MTBE, I can assume that it is going to be a problem 9 for us.</p> <p>10      Q. So in the early 1990s --</p> <p>11      A. Early 1990s.</p> <p>12      Q. -- you knew those things about 13 underground storage tanks that you just described, 14 and you assumed then that it was going to be a 15 problem for the City of Fresno, correct?</p> <p>16      A. Yes.</p> <p>17      Q. What did you do about it starting in 18 the early 1990s?</p> <p>19      A. There were discussions that were had 20 with my supervisors and coworkers and managers about 21 MTBE. I had participated -- not participated, but 22 attended various conferences about it. I was aware 23 of several news stories that were being broadcast or 24 printed about MTBE and gaining knowledge from that. 25      I was also aware there was a movement afoot</p>	<p style="text-align: right;">Page 443</p> <p>1       THE WITNESS: I wouldn't say I was extremely 2 concerned. We had other more pressing matters to 3 deal with.</p> <p>4 BY MR. ANDERSON:</p> <p>5       Q. What was more pressing than MTBE in 6 October of 1997?</p> <p>7       A. Nitrates in our treatment system -- 8 or in our water system that was impacting us and 9 causing us to lose wells.</p> <p>10      We had a number of wells that were impacted 11 with TCE that we were losing up in the northeast part 12 of town.</p> <p>13      We had a deadline to meet with our DBCP 14 responsibilities to get a number of well sites online 15 and operational with treatment systems.</p> <p>16      Q. At some point in time did MTBE become 17 a contaminant of greater concern to you than 18 nitrates?</p> <p>19      A. Only at some point it became a 20 requirement for us to sample and get a better handle 21 on the impact that MTBE was having on our system. 22 But with the fact that we were, up until 2008, pretty 23 much not having detections, it wasn't a burning 24 issue.</p> <p>25      Q. Is it a burning issue today?</p>

1                           **REPORTER'S CERTIFICATE**

2                           **I, SANDRA BUNCH VANDER POL, Certified**  
3                           **Shorthand No. 3032 for the State of California do**  
4                           **hereby certify:**

5                           **That prior to being examined, the witness**  
6                           **named in the foregoing deposition was duly sworn to**  
7                           **testify to the truth, the whole truth, and nothing**  
8                           **but the truth.**

9                           **That said deposition was taken down by me**  
10                          **stenographically at the time and place therein named,**  
11                          **and thereafter reduced by me into typewritten form,**  
12                          **and that the same is a true, correct and complete**  
13                          **transcript of said proceedings.**

14                          **Before completion of the deposition, review of**  
15                          **the transcript was requested. Any changes made by**  
16                          **the deponent (and if provided to the reporter) during**  
17                          **the period allowed are appended hereto.**

18                          **I further certify that I am not interested in**  
19                          **the outcome of the litigation.**

20                          **Witness my hand this 23rd day of January,**  
21                          **2011.**

22                          

23                          **SANDRA BUNCH VANDER POL**

24                          **Certified Shorthand Reporter**

25                          **Certificate No. 3032**

Robert C. Little

Page 1

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE:

Methyl Tertiary Butyl : Master File No. 1:00-1898  
Ether ("MTBE") : MDL 1358 (SAS)  
Products Liability :  
Litigation :

This Document Relates to:

City of Fresno v. Chevron U.S.A.  
Inc., et al., et al.,  
Case no. 04 Civ. 04973 (SAS)

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MARCH 31, 2011  
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Videotaped Deposition of ROBERT C. LITTLE,  
Volume I, City of Fresno's 30(b)(6) Designee re  
Damages and Remedies, held in the Law Offices of  
McCormick Barstow LLP, 5 River Park Place East,  
Fresno, beginning at 9:01 a.m., before Sandra Bunch  
VanderPol, FAPR, RPR, RMR, CRR, CSR #3032

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## Robert C. Little

	Page 138	Page 140
1	A. Yes and no.	1 A. Yes.
2	Q. Please explain.	2 Q. And is the principal reason for
3	A. That well was formerly a treatment	3 running that treatment also DBCP?
4	site for DBCP, but the concentration has dropped	4 A. Yes.
5	below the MCL. And we were able to discontinue	5 Q. And has the City of Fresno, prior to
6	treatment of the site.	6 the date of today's deposition, incurred any expenses
7	Q. All right.	7 in connection with the treatment at Well 205 as a
8	A. The equipment is still on site, but	8 result of the presence of MTBE?
9	it's not used.	9 A. No.
10	Q. Is the equipment that's on that	10 Q. With respect to all of the wells in
11	site something that could be used to treat for MTBE	11 the City of Fresno Water Division that have GAC
12	if the City chose to do so?	12 treatment already on them, has the City incurred any
13	MR. MILLER: Calls for an engineering and	13 expenses in connection with that GAC treatment that
14	expert opinion. Exceeds the scope.	14 is attributable to the presence of MTBE or TBA?
15	Answer if you can.	15 A. Only to the extent that we have done
16	THE WITNESS: To my understanding, GAC is an	16 some sampling at some of those wells, but there's no
17	approved method for DBCP -- or MTBE. So, yes, the	17 treatment.
18	equipment can be used.	18 Q. Not related to the treatment --
19	BY MR. ANDERSON:	19 A. No.
20	Q. If you turn to page 46 of the same	20 Q. -- but you have incurred expenses
21	interrogatory responses, you will see a list of	21 relating to pulling samples and having them analyzed
22	wells, flow rates, three vessel trains and capital	22 by laboratories, right?
23	cost. And Well 28A is the first one listed. Do you	23 A. Yes.
24	see that?	24 Q. All right. But other than that, no
25	A. Yes.	25 other expenses associated with MTBE?
	Page 139	Page 141
1	Q. And just above that chart it says,	1 A. Not that I'm aware of.
2	"The City anticipates the following capital costs for	2 Q. All right. And when you say
3	GAC treatment facilities for each of the following	3 "sampling," you're talking about extra sampling
4	wells." Do you see that?	4 that's been done because of the concerns about MTBE,
5	A. Yes.	5 right?
6	Q. Now, I know the gentleman tomorrow	6 A. Yes.
7	will be testifying about potential future expenses,	7 Q. It would not be your routine sampling
8	but has the City already incurred the capital cost of	8 that you would have otherwise done anyway?
9	building the GAC treatment facility at Well 28A?	9 A. No.
10	A. Not to the extent that this	10 Q. I have asked you a couple of
11	indicates.	11 questions about the Unocal Bulk Plant that's at
12	Q. Now, let's focus on -- well, on	12 101 Roosevelt Avenue. Is that a site you're familiar
13	Well 28A, you say that's been taken out of service.	13 with?
14	When was that GAC treatment -- strike that. I will	14 A. No.
15	ask a better question.	15 Q. My client is ConocoPhillips, and it
16	The GAC treatment facility at Well 28A has	16 is associated with certain facilities that would have
17	already been taken out of service, right?	17 borne the 76, the Union 76 brand.
18	A. Correct.	18 Are you familiar with that brand?
19	Q. When was it taken out of service?	19 A. Yes.
20	A. I believe it was 2006.	20 Q. Are you aware of any injury that the
21	Q. All right. Let's take Well 205 as	21 City of Fresno has suffered as a result of any act or
22	another example. That also has a GAC treatment	22 failure to act by my client?
23	facility constructed, correct?	23 MR. MILLER: That is not in the deposition
24	A. Yes.	24 notice. It calls for a legal conclusion. And it's
25	Q. And is that one currently operating?	25 vague and ambiguous.

36 (Pages 138 to 141)

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**REPORTER'S CERTIFICATE**

I, SANRA BUNCH VANDER POL, Certified Shorthand  
No. 3032 for the State of California do hereby  
certify:

5 That prior to being examined, the witness  
6 named in the foregoing deposition was duly sworn to  
7 testify to the truth, the whole truth, and nothing  
8 but the truth.

9           That said deposition was taken down by me  
10         stenographically at the time and place therein named,  
11         and thereafter reduced by me into typewritten form,  
12         and that the same is a true, correct and complete  
13         transcript of said proceedings.

14 Before completion of the deposition, review of  
15 the transcript was requested. Any changes made by  
16 the deponent (and if provided to the reporter) during  
17 the period allowed are appended hereto.

I further certify that I am not interested in  
the outcome of the litigation.

20 witness my handled this 11th day of April,  
21 2011.

Sandra Burnh Vonderpol

SANDRA BUNCH VANDER POI

**Certified Shorthand Reporter**

Certificate No. 3032